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1 **UNITED STATES DISTRICT COURT**  
2 **NORTHERN DISTRICT OF CALIFORNIA**

3  
4 VIRGINIA PEREZ, individually, and on  
behalf of all others similarly situated, }

5 Plaintiff, }

6 v. }

7 MAID BRIGADE, INC., a Delaware  
8 Corporation, and BMJ LLC, a California  
Limited Liability Company, }

9 Defendants. }

Case No.: C-07-3473 (SI)

**CONSENT PROTECTIVE ORDER**

11 Pursuant to Rule 26 of the Federal Rules of Civil Procedure, with the consent of  
12 the parties, as evidenced by their signatures below, and for good cause shown, the  
13 Court hereby issues this Consent Protective Order, and it is accordingly,

14 **ORDERED** that the confidential contents and proprietary nature of certain  
15 information and documents disclosed or produced during pretrial discovery or for trial  
16 in this action shall be protected and governed as follows:

- 17  
18  
19 1. Any party may designate as "confidential" any information or documents that are  
20 deemed in good faith by that party to be entitled to confidentiality under Rule 26(c)  
21 of the Federal Rules of Civil Procedure. Such information and documents may  
22 include, but are not limited to, trade secrets; proprietary, confidential, or  
23 commercially sensitive business information; matters protected by federal or state  
24 law or regulation; and the personal, health, insurance, financial, tax, account, credit  
25  
26  
27  
28

- 1 and/or other confidential information of Plaintiff or a Defendant's past or present  
2 employees or customers.
- 3 2. Any party may designate information or documents as "confidential" by physically  
4 marking documents as "confidential" or by separately producing or disclosing such  
5 information or documentation and notifying the discovering party in writing of  
6 their protected nature.
- 7  
8
- 9 3. If the receiving party believes any information, document, or deposition transcript  
10 so designated is not entitled to be deemed confidential under Rule 26 of the  
11 Federal Rules of Civil Procedure, the receiving party shall give counsel for the  
12 party making the designation written notice of such objection, stating the reason(s)  
13 for the objection. The disclosing party then must reply in writing within 15 days of  
14 receipt of the written notice of objection.
- 15  
16
- 17 4. If the parties cannot resolve their dispute regarding the confidential designation,  
18 then the receiving party must file a motion to compel, under Rule 26(c) of the  
19 Federal Rules of Civil Procedure, within 15 days of its receipt of the disclosing  
20 party's reply described in paragraph 3 above.
- 21  
22
- 23 5. The receiving party must respect the confidentiality designation in the manner  
24 described below until the time for filing a Motion to Compel has passed or, if one  
25 is filed, until the Court adjudicates any Motion filed pursuant to paragraph 4 above.
- 26  
27
- 28 6. Confidential information, documents, and any extracts, copies, notes, summaries or  
compilations or information derived therefrom shall be used only for the purpose

1 of this litigation, and for no other purpose and shall not be disclosed during the  
2 case or after it has concluded, except as set forth herein.

3 7. Attorneys and employees of the receiving firm shall notify those having access to  
4 any confidential information or document of its confidential nature and instruct  
5 such persons not to disclose such information or document except as may be  
6 authorized by this Order or otherwise required by law. Counsel of record in this  
7 action shall ensure that all persons who use the confidential information or  
8 document produced in this matter are apprised of the existence and requirements of  
9 this Order and employ their best efforts to ensure that all such persons strictly  
10 comply with the provisions of this Order.

11 8. Parties wishing to file any document with the Court under seal must first present a  
12 stipulation or an ex-parte application and a proposed order regarding said  
13 document, and a copy of the document sought to be sealed, to the Court, pursuant  
14 to Judge Ilston's Standing Order dated May, 2006.

15 9. In the event that a party wishes to use any confidential information or documents  
16 in any affidavits, briefs, memoranda of law, or other papers filed with the Court in  
17 this case, such confidential information or documents used therein shall be filed  
18 and maintained under seal by the Court in accordance with the procedure described  
19 in paragraph 8 of this Order.

20 10. Confidential information and documents shall not be disclosed or otherwise made  
21 available to any persons other than: (a) counsel of record for any party, and the  
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1 legal associates, clerical or support staff of such counsel assisting in the  
2 preparation of this action; (b) a named party, or management-level representatives  
3 of a party; (c) independent experts, or potential experts, or any other person  
4 employed or retained by counsel for the purpose of assisting counsel in this action,  
5 and (d) court personnel and court reporters as required in connection with this  
6 action.  
7

8  
9 11. At the conclusion of this case, including any and all appeals, all copies of  
10 confidential documents and documents containing confidential information shall  
11 be returned to counsel for the producing party upon request. Counsel shall be  
12 permitted to retain documents constituting work product, which refer to  
13 confidential information or documents containing confidential information.  
14 However, such work product shall remain confidential in accord with and subject  
15 to the protections and procedures of this Order.  
16

17  
18 12. Nothing herein shall affect or restrict the rights of any party with respect to its own  
19 information or documents.  
20

21 13. By the entry of this Order, the parties shall not be deemed to have waived any  
22 objection available to them in response to any discovery request or evidentiary  
23 matter.  
24

25 14. This Order is without prejudice to the rights of any party to seek its modification or  
26 amendment by further order of this Court. The parties have consented to the entry  
27 of this Consent Protective Order upon the express condition that they reserved the  
28

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1 right to seek relief or supplemental order of this Court if the provisions of this  
2 Consent Protective Order would later result in undue burden or expense or would  
3 undermine counsels' ability to represent their clients in this case.  
4

5 **SO ORDERED**, this \_\_\_\_ day of \_\_\_\_\_, 2007.

6  
7 \_\_\_\_\_  
The Honorable Susan Ilston

8 CONSENTED TO BY:

9   
10 \_\_\_\_\_  
Alan Harris, Esq.

11 California Bar No.: 146079

12 David S. Harris, Esq.

13 California Bar No.: 215224

14 David Zelenski, Esq.

15 California Bar No.: 231768

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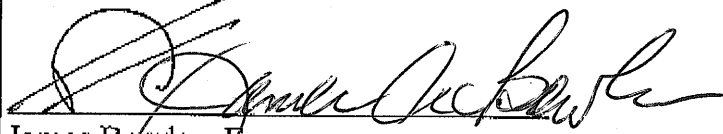
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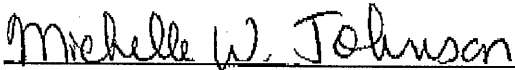
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16 Georgia Bar No.: 055742

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